

**Beaver County
Planning & Zoning Commission
January 16, 2018
6:30 p.m.**

Minutes

Attendance: Darrel Davis- Chairman, Steve Kinross, Mike Riley, Walter Schofield, Kolby Blackner, Don Noyes, Jared Gillins representing the Zoning Department, Von Christiansen as Attorney and Kyle Blackner as Zoning Administrator.
Drew Coombs was not in attendance.

Visitors: Steve Swiss, Mike Cole, Chris Smith, Allen Smith, Jim Webb and Scott Albrecht.
See attached list of 300 plus additional visitors.

Called to Order at 6:31p.m. Chairman Davis introduced board members, welcomed visitors and asked for nominations of a new committee chairman. Mike Riley made the motion to nominate Darrel Davis as the Chairman. Kolby Blackner seconded the motion. Steve Kinross, Walter Schofield & Don Noyes voted for, thus the motion passed unanimously.

MINUTES:

Minutes from the November 28, 2017 meeting were reviewed. Don Noyes made a motion to approve the minutes. Mike Riley seconded the motion. Steve Kinross, Walter Schofield & Kolby Blackner voted for, thus the motion passed unanimously.

REZONEMENT:

Steve Swiss, representing Hog Slat Inc., came before the board seeking an amendment to the zoning map from C-H to M-G in Sec. 31, T27S, R10W. Currently, Hog Slat Inc. is trucking in the precast concrete slats that they supply to Smithfield, from Iowa. They would like to establish a temporary precast concrete slat plant, to manufacture them on site. The current zone, C-H, does not allow for this use, thus the need for the rezonement. Mike Riley made a motion to open the meeting for Public Hearing. After a brief question & statement, the Public Hearing was closed. Don Noyes made the motion to recommend the County Commission approve the zone change. Steve Kinross seconded the motion, Kolby Blackner, Mike Riley & Walter Schofield voted for, thus the motion passed unanimously.

CONDITIONAL USE PERMIT:

Steve Swiss, representing Hog Slat Inc., came before the board seeking a Conditional Use Permit to establish a temporary precast concrete slat plant in Sec. 31, T27S, R10W in a pending M-G District. Here they will manufacture slats for Smithfield's current locations and the expansion sites. They anticipate producing slats for the next 2-3 years, then closing the small facility. Due to the adjacent airport, they are aware of height restrictions and will not build anything that would interfere. The cement mixer will be used, with a filtration system, inside of a building, to prevent dust. Mr. Swiss anticipates employing 7-10 local people and using local economic resources. Board members were concerned about the dust and noise impact on the community. Mr. Swiss assured the board that they would only be operating during daytime hours and anticipated three trucks going in and coming out daily. Covered trucks were not required, as the needed material was within close proximity and did not require them to enter the city limits.

Mike Riley made the motion to recommend the County Commission approve the Conditional Use Permit w/ the same conditions we require of all permits (#'s 1-3 & 8). Steve Kinross seconded the motion. Kolby Blackner, Walter Schofield & Don Noyes voted for, thus the motion passed unanimously.

CONDITIONAL USE PERMIT:

Mike Cole, representing Milford Solar, LLC came before the board to obtain a Conditional Use Permit for installation of a ground-mount solar energy system to generate power for Smithfield. at their Site "B" location in Sec. 4, T30S, R11W, in a MU-20 District. As they are seeking three permits, he addressed all of them at the same time. The three total projects would encompass approximately 20 acres and produce about half the electricity needed for the surrounding barns. They have already applied w/ Rocky Mountain Power for net metering and are hoping to start construction in May. The board & applicant reviewed the conditions imposed on the last solar project. There was a question about subsidies. Mr. Cole stated that both federal and state tax credits are associated w/ these permits. The life span of these solar arrays is approx. 25 years. After that time recycling would be the means of disposal and be part of the closure plan. Steve Kinross made the motion to recommend the County Commission approve the Conditional Use Permit with the same conditions imposed on the other solar permits. Mike Riley seconded the motion. Walter Schofield, Kolby Blackner, & Don Noyes voter for, thus the motion passed unanimously.

CONDITIONAL USE PERMIT:

Mike Cole, representing Milford Solar, LLC came before the board to obtain a Conditional Use Permit for installation of a ground-mount solar energy system to generate power for Smithfield, at their Site "C" location in Sec. 5, T30S, R11W, in a MU-20 District. Steve Kinross made the motion to recommend the County Commission approve the Conditional Use Permit with the same conditions as imposed on the other solar permits. Walter Schofield seconded the motion. Don Noyes, Kolby Blackner & Mike Riley voted for, thus the motion passed unanimously.

CONDITIONAL USE PERMIT:

Mike Cole, representing Milford Solar, LLC came before the board to obtain a Conditional Use Permit for installation of a ground-mount solar energy system to generate power for Smithfield, at their Site "D" location in Sec.28, T29S, R11W, in an A-20 District. Steve Kinross made the motion to recommend the County Commission approve the Conditional Use Permit with the same conditions as imposed on the other solar permits. Don Noyes seconded the motion. Mike Riley, Kolby Blackner & Walter Schofield voted for, thus the motion passed unanimously.

At just after 7:00, we took an intermission and the meeting resumed again at 7:25 pm.

CONDITIONAL USE PERMIT:

Kolby Blackner recused himself from the discussion, as he has a conflict of interest. Don Noyes also recused himself from the discussion to avoid the appearance of a conflict. Smart MVP Holdings, LLC representatives, Chris & Alan Smith & Smithfield representative, Jim Webb, came before the board seeking a Conditional Use Permit for Ten (10), 1100 wean to finish hog barns in Sections 23 & 24, T28S, R7W in a MU-20 District. The Smiths feel they are within their property rights to pursue this project. They see this as a great opportunity to provide for their families. Jim Webb clarified that it is not a Smithfield barn- but a Smith owned barn.

Smithfield is helping Smiths through the permitting process. The barn is slightly different than those on the west desert. It would require less water, have fewer fans & utilize curtains to a greater extent. Mr. Blackner discussed MU-20 District permitted uses and conditional uses. He also reviewed the qualifying regulation for this District. Chairman Davis opened the meeting for public comment.

Jimmy Hodges provided the board w/ articles about the lawsuits w/ hog farms in North Carolina. Terra Hodges questioned the finding statements and asked that a Phase II Environmental Impact Study be done on the area. She also inquired about where they propose to get their water for this project. Robert Christiansen stated he is familiar, first hand, w/ the negative impact of the pig farms, bordering his property. Casey Ross is concerned because the property is cut by 4 faults that go to bedrock & would allow any leaks a free path to the surrounding aquifers. Charles Knudson was concerned how the permitting of this project might affect his permitting options in the future. He is also concerned about property values. Lloyd Cumming suggested the Smiths' build on the west side of the county. Nick Faulkner supported property-owners rights, until they infringed on neighbors' property rights. Jesse McMullin feels that North Creek is a gem and should be revered and utilized as such. Dacie Derbidge has great concerns about her children's health due to air and water quality issues and doesn't want tax dollars to be used for road improvements. Derald Joseph feels the majority should rule and override County Ordinances. Bill Lawson referenced lawsuits against other Smithfield' facilities, saying that South Carolina had leakage issues in 50% of their barns. Gib Yardley has great concerns about air pollution and smell and he does not want to open the door for others to follow. Robin Bradshaw provided a summary of previous P/Z meeting minutes, discussing setback concerns. Lisa Hendrickson stated that aquifers have been depleted in the west desert & does not want that to happen at North Creek. Slade Smith asked that stringent conditions be put in place. Renee White asked us to consider how this will affect tourism, growth & future planning, etc. Des LeBaron expressed concern about the health of her children, the depth of the aquifer, traffic, etc. She encouraged others to contact their County Commissioners and submitted the petition w/ approx. 500 signatures. Angie Rust had the same concerns about water & contamination. Margret Wellman, Brave representative, asked the board to consider the tourism impact & thanked others for coming. Brea Robinson had questions about traffic, road issues, dust, additional taxes, etc. Bruce Brown stated that the commission could deny the permit based on health concerns of the community. Wade Oakden referred to studies of pig farm odor & how it adversely affects individuals, in addition to the physical harm from water contamination. Bob Davidson asked that the board represent the 300 people in attendance. Susan Cartwright has concerns of economic development being negatively impacted, as well as her daily quality of life. Michele Evans asked for the commission to look closer at the master plan and decide which direction to take future growth. Dustin Dalton expressed many of the others' concerns. The Public Hearing was closed at 8:30.

Mike Riley put the responsibility of this proposed expansion onto Jim Webb. Mr. Riley spoke of the lack of containment available in the area, due to porous conditions and his concerns due to previous lagoon leakage. He stated the board's options were: to table it, to put conditions on it or to deny it.

Mike Riley made a motion to deny the application, but no second was made, so the motion died. Jim Webb spoke about the conditions that could be imposed with the water permit, to mitigate health concerns. The anticipated truck traffic would be only one truck per day.

Von Christianson asked the board to review State Code. 17-27a-506 Conditional Uses. Mike Riley stated that there are environmental impacts that cannot be corrected. Steve Kinross stated that we need to consider conditions that could be composed, as this use is applicable in this zone. Walter Schofield reminded the audience that perhaps we need to look closer at a rezonement. Walter Schofield made a motion to table the discussion, but there was no second, so the motion died. Mike Riley said his greatest concern was opening the door for others to follow. Chairman Davis asked what conditions we should consider. The conditions on the last Smithfield Permit were put up for board review. Mike Riley asked if it was the board's desire to impose conditions as he felt he was not prepared to do so. Walter Schofield made the motion that we recommend the County Commission approve the permit w/the same conditions as the previous permit, but there was not a second, so the motion died. Steve Kinross made the motion that we impose stricter conditions to mitigate water contamination & odor, but there was not a second, so the motion died. Mike Riley made the motion to recommend the County Commission deny the permit as the reasonable anticipated detrimental effects could not be substantially mitigated by reasonable conditions, due to the close proximity of the proposed hog farm to the community. Walter Schofield seconded the motion. Steve Kinross voted against, so the motion passed.

Walt Schofield recommended we table the last item on the agenda. Steve Kinross seconded the motion. Mike Riley voted for, thus the motion passed unanimously.

Steve Kinross made a motion to adjourn, Mike Riley seconded the motion. Walter Schofield voted for, thus the motion passed unanimously.

The meeting was concluded at 9:21 p.m.

Minutes approved on _____.

Darrel Davis - Chairman